

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE/OPELOUSAS DIVISION

UNITED STATES OF AMERICA,)
)
)
 Plaintiff,)
)
)
 v.)
)
 PECAN TERRACE)
 APARTMENTS, LLC and)
 TAUFIQ M. SEKHANI,)
)
 Defendants.)

COMPLAINT

The United States of America alleges as follows:

1. This action is brought by the United States to enforce the provisions of the Fair Housing Act, as amended, 42 U.S.C. §§ 3601-3631.
2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1345 and 42 U.S.C. § 3614(a).
3. Venue is proper in the District Court for the Western District of Louisiana under

28 U.S.C. § 1391(b) and 42 U.S.C. § 3612(o), in that the events or omissions giving rise to this action occurred in this district.

4. At all times relevant to this complaint the Defendant, Pecan Terrace Apartments, LLC has been the owner of an approximately 120-unit residential rental property, Pecan Terrace Apartments, at 242 Woodrow Street, Lafayette, Louisiana (the "subject property").
5. At all relevant times to this complaint the Defendant, Taufiq M. Sekhani, has been the manager and the operator of the subject property.
6. The subject property is a dwelling within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b).
7. Plaintiff, the United States of America, conducted a series of tests to evaluate the Defendants' compliance with the Fair Housing Act. The testing undertaken by the United States revealed that the Defendants are engaged in housing practices that discriminate on the basis of familial status at Pecan Terrace Apartments, including:
 - a. Refusing to negotiate for the rental of, or otherwise making unavailable, a dwelling because of familial status;
 - b. Discouraging persons with children from renting a dwelling owned or managed by the Defendants;
 - c. Discriminating against persons with children in the terms, conditions, or privileges of sale or rental of a dwelling because of familial status;

- d. Making or causing to be made statements with respect to the rental of a dwelling that indicate any preference, limitation, or discrimination based on familial status, or an intention to make such preference, limitation, or discrimination;
 - e. Assigning persons with children to a particular floor because of their familial status; and
 - f. Representing to persons with children that a dwelling was not available for inspection, sale, or rental when such dwelling was in fact so available.
8. By the conduct set forth in the previous numbered paragraphs, the Defendants have:
- a. Refused to negotiate for the rental of, or otherwise made unavailable or denied, a dwelling to a person because of familial status, in violation of Section 804(a) of the Fair Housing Act, 42 U.S.C. § 3604(a);
 - b. Discriminated against persons with children in the terms, conditions, and/or privileges of sale or rental of a dwelling, in violation of Section 804(b) of the Fair Housing Act, 42 U.S.C. § 3604(b);
 - c. Made statements and/or caused to be made, printed or published statements and/or advertisements with respect to the rental of a dwelling that indicate a preference, limitation and discrimination based on familial status, and an intention to make such a preference, limitation or discrimination based on familial status, in violation of Section 804(c) of the Fair Housing Act, 42 U.S.C. § 3604(c); and

- d. Represented to persons because of familial status that a dwelling was not available for inspection, sale, or rental when such dwelling was in fact so available, in violation of Section 804(d) of the Fair Housing Act, 42 U.S.C. § 3604(d).
9. The Defendants' discriminatory conduct as set forth above was intentional, willful, and taken in disregard for the rights of others.
10. The conduct of the Defendants described above constitutes:
 - a. a pattern or practice of resistance to the full enjoyment of rights granted by the Fair Housing Act, in violation of 42 U.S.C. § 3614(a); and
 - b. a denial to a group of persons of rights granted by the Fair Housing Act, which denial raises an issue of general public importance, in violation of 42 U.S.C. § 3614(a).
11. Upon information and belief, there are victims of discriminatory housing practices by the Defendants who are aggrieved persons within the meaning of 42 U.S.C. § 3602(i).

PRAYER FOR RELIEF

WHEREFORE, the **UNITED STATES** prays for relief as follows:

1. A declaration that the conduct of the Defendants as set forth above violates the Fair Housing Act, as amended, 42 U.S.C. §§ 3601-3631;
2. An injunction against the Defendants, their agents, employees, and successors, and all other persons in active concert or participation with them, from:

- a. discriminating on the basis of familial status in violation of the Fair Housing Act, as amended, 42 U.S.C. §§ 3601-3631;
 - b. failing or refusing to notify the public that dwellings owned or operated by the Defendants are available to all persons on a nondiscriminatory basis;
and
 - c. failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, any aggrieved persons to the position they would have been in but for the discriminatory conduct;
3. An award of monetary damages to aggrieved persons pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c); and
 4. A civil penalty against each of the Defendants in an amount authorized by 42 U.S.C. § 3614(d)(1)(C), in order to vindicate the public interest.

The United States further prays for such additional relief as the interests of justice may require.

Dated: 9/30, 2008

DONALD W. WASHINGTON
United States Attorney

Janice E. Hebert (AGATH USA)

JANICE E. HEBERT
Assistant United States Attorney
United States Attorney's Office
800 Lafayette Street, Suite 2200
Lafayette, LA 70501
Phone: (337) 262-6618
Fax: (337) 262-6783
ID# 20218

MICHAEL B. MUKASEY
Attorney General

Grace Chung Becker / gcb
GRACE CHUNG BECKER
Acting Assistant Attorney General
Civil Rights Division

Steven H. Rosenbaum / rbb
STEVEN H. ROSENBAUM
Chief
Housing and Civil Enforcement Section
D.C. Bar #41785

John Mitchell
REBECCA B. BOND
Deputy Chief
CA Bar # 202220
JOHN O. MITCHELL
Trial Attorney
Housing and Civil Enforcement Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Northwestern Building, 7th Floor
Washington, D.C. 20530
Phone: (202) 514-3556
Fax: (202) 514-1116
MA Bar #639746
John.Mitchell4@usdoj.gov